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Counsel for Turnaround Advisors, L.L.C. as  
Liquidating Trustee for the Eos Airlines, Inc.  
Liquidating Trust

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
EOS AIRLINES, INC.,	:	Case No. 08-22581 (ASH)
	:	
Debtor.	:	
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Turnaround Advisors, L.L.C. as	:	
Liquidating Trustee for the Eos Airlines, Inc.	:	
Liquidating Trust	:	
	:	Adv. Pro. No. 08-08406 (ASH)
Appellee,	:	
	:	
-against-	:	
	:	
NATIONAL CTY BANK OF MIDWEST,	:	
HASSAN TATANAKI, FREEMARKET GLOBAL,	:	
LTD., ERIKA VILLALBA and JOHN DOE,	:	
	:	
Appellant.	:	
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**APPELLEE'S (I) DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN THE  
RECORD ON APPEAL AND (II) STATEMENT OF ADDITIONAL ISSUES TO BE  
PRESENTED FOR REVIEW ON APPEAL**

A Notice of Appeal having been filed on February 5, 2009 by defendant Hassan  
Tatanaki ("Appellant") from the Order Granting Debtor's Motion to Dismiss

Counterclaims of Hassan Tatanaki and Motion for Partial Summary Judgment on the Pleadings (the "Order"), entered January 28, 2009, of the Honorable Adlai S. Hardin, Jr., United States Bankruptcy Judge, and Appellant's Designation of Contents for Inclusion in Record on Appeal and Statement of Issues on Appeal having been filed on February 18, 2009 (the "Designation"), the above-captioned Liquidating Trustee (the "Trustee") for the Eos Airlines, Inc., Liquidating Trust hereby designates, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, the following additional items to be included in the record on appeal and the following statement of additional issues to be presented for review on this appeal:

**DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

1. Transcript of hearing held before the Honorable Adlai S. Hardin, Jr., United States Bankruptcy Judge, on January 6, 2009.

**STATEMENT OF ADDITIONAL ISSUES PRESENTED FOR REVIEW**

1. Whether this appeal is improperly taken as of right in accordance with Rule 8001(a) of the Federal Rules of Bankruptcy Procedure (the "Rules").

2. Whether this appeal should be dismissed for Appellant's failure to comply with the Bankruptcy Rules, including Rule 8001(b).

3. Whether the Order is a final, appealable Order.

4. Whether the Bankruptcy Court correctly found that Article 19 of the *Convention for the Unification of Certain Rules for International Air Carriage by Air Done at Montreal on 28 May 1999* (the "Montreal Convention") applies to Appellant's Delay Claims (as defined in the Order).

5. Whether the Bankruptcy Court correctly dismissed with prejudice all of Appellant's Delay Claims, including, but not limited to, Appellant's Third Counterclaim (as defined in the Order).

Dated: New York, New York  
February 27, 2009

Respectfully submitted,

COHEN TAUBER SPIEVACK & WAGNER P.C.  
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Liquidating Trustee for the Eos Airlines, Inc.  
Liquidating Trust

By: 

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